WPSS_66_2003

Hon'ble M.M.Ghildiyal J.

This petition has been filed by the petitioners with a prayer for direction to the respondents to allow the petitioners to sign the attendance register and not to dispossess the petitioners from the official residences. The petitioners were employees of the respondent-institute were terminated from service on the grounds that the posts on which they were working had been abolished. The order was challenged by the petitioners by means of writ petition no .66(S/.S) of 2003. The writ petition has been dismissed by this court. In the present writ petition this court stayed dispossession of the petitioners till the pronouncement of judgment in writ petition no.109 and 110 of 2003.

Learned counsel for the petitioners has submitted that petitioner no.1 is a patient of diabetics and the petitioner no.2 is suffering from heart ailment. Since the writ petition has been dismissed the petitioners will be dispossessed from the official accommodation by the institute and due to the shortage of accommodation on rent at Nainital the petitioners may be permitted to retain the official accommodation till 15.12.2003. The writ petition is disposed of with a direction to the respondent-institute that the petitioners be not dispossessed from the official accommodations till 15.12.2003 provided the petitioners deposit the entire rent at the rate of Rs .500.00 per month.

(M.M. Ghildiyal, J.)

25.09.2003
MPS

IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
WRIT PETITION NO. 66 (S/S) OF 2003

1. Lalit Prasad S/o Sri Heera Lal
   R/o Birla Vidya Mandir
   Nainital
2. Rameshwar Prasad S/o Sri Roop Chand
   R/o Village boorpur jat
   P.O. Gurukul Narsan
   District Haridwar … Applicant/Petitioners

Versus

1. The State of Uttaranchal through Secretary
   Secondary Education Dehradun
   Uttaranchal
2. The Principal, Birla Vidya Mandir College
   Nainital Uttaranchal
3. The committee of management
   through its manager birla vidya mandir college, Nainital, utaranchal
4. the chair person, management committee
   birla vidya mandir
   6 Gunjan no. 7 Rolsodsay road
   Kolkata (W.B) … Respondents

Hon'ble M.M.Ghildiyal J.

Heard learned counsel for the appellant Sri D.S. Patni and learned standing counsel.

By order dated 25.09.2003 while disposing the writ petition it was directed that the respondents institute shall not dispossess the petitioner from the official accommodation till 15.12.2003. This order was passed in view of the fact that the children of the petitioner are studying in the schools of Nainital and in the month of December 2003, winter vacations will commence.

Learned counsel for the petitioner has moved review application of the order passed by this court on 25.09.2003 wherein he has stated that the half-yearly examinations are going on and in case petitioner is dispossessed by 15.12.2003 there will be disturbance in the studies of the children during the examination period. It is stated that the half-yearly examination will be over on 19.12.2003 thereafter there will be winter vacation during that period the petitioner will be able to find out the accommodation. Learned counsel for the petitioner could not show any ground for reviewing the order. Review

application is rejected, however, in view of the fact that the examinations of children of the petitioner will be completed on 19.12.2003 and in case the petitioner is dispossessed during this period the study of the children will be seriously affected. The respondents are directed not to dispossess the petitioner from the accommodation till 31.12.2003. The petitioner may deposit rent as directed earlier.

A copy of the order be supplied to the petitioner today on payment of usual charges.

(M.M. Ghidliyal, J.)

15.12.2003
ASWAL